IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
APPLICATION NO.1118 OF 2007
IN
APPLICATION NO.1054 OF 2007
IN
APPEAL NO. 586 OF 2005

Bankim Rasiklal Shah ..Applicant
Vs.
N.C.B.Ahemdabad
and Ors. ..Respondents

...

Mr.Sandesh D.Patil Advocate for Applicant
Mr.R.F.Lambay Counsel for Union of India
Mrs.U.V.Kejariwal APP for Respondent No.3

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CORAM: R.M.S.KHANDEPARKAR, AND
SMT.V.K.TAHILRAMANI, JJ.
DATE : OCTOBER 01, 2007

P.C.:

1. Heard. The applicant today has filed application seeking limited relief instead of bail and the relief asked for is in the nature of direction to the Respondents to allow the applicant to be treated in Harkisandas Hospital situated at Churney Road, Mumbai at his own risk and costs. He has also volunteered to bear the expenses for the custody as well as for the escorts which may be involved in the matter. The applicant is presently at Vadodara Central Prison, Vadodara. Considering the illness of the applicant and the required treatment for the same and the family of the

applicant having volunteered to bear expenses for such treatment while expressing desire that the applicant will be treated at the Hospital of their choice viz. Harkisandas Hospital at Churney Road, Mumbai. Taking into consideration all the facts and circumstances, in our considered opinion, it is a fit case for grant of such permission asked for. Respondents are therefore, directed to allow the applicant to get medical treatment for his illness at Harkisandas Hospital, Churney Road, Mumbai at his own risk and costs. The applicant shall also bear the expenses for travelling from Vadodara to the concerned Hospital for himself as well as for escorts allowed, as may be determined by the concerned authority of the Respondents. The applicant shall also be liable to pay expenses incurred by the Respondents for providing necessary security at the hospital as the applicant is convict and is undergoing punishment. To ensure the expenditure to be incurred by the Respondents for travelling and providing security to the applicant including that of expenses for the travelling of the escorts, the applicant shall deposit in the Court a sum of Rs.50,000/- before this order being implemented. As far as the

medical expenses pertaining to the hospital charges etc., the same shall be borne exclusively by the applicant and it shall not be responsibility of the Respondents to bear such expenses. Liberty to the parties to approach the Court for further modifications if any, necessary in this order as and when it may require. Liberty to the Respondents to move for release of the amount towards the expenses relating to travel and day to day expenses of the escorts and security. As soon as the amount is deposited, the applicant or his relatives shall inform the concerned authorities, who shall within three days thereafter, make all necessary arrangements to bring the applicant to the concerned Hospital. However, before the applicant leaves Vadodara Central Jail, the necessary bond in the sum of Rs.1 lakh shall be executed by the applicant with one surety in the like amount, assuring that the applicant will not violate liberty granted to the applicant to take medical treatment in the concerned Hospital.

2. Authenticated copy be given to the parties.

[R.M.S.KHANDEPARKAR, J.]

[SMT.V.K.TAHILRAMANI,J.]